

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.962 of 2007

IN

Criminal Appeal No.761 of 2007

Pramod Pandurang Satpe.	..	.. Applicant/ Appellant
v/s.		

The State of Maharashtra	..	.. Respondent
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Mr.Amin Solkar for Applicant/Appellant

Dr.F.R. Shaikh, Addl. PP for State.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Dated : 17th September, 2007

P.C. :

1. Heard the learned Counsel for the Applicant/Appellant and the learned Additional Public Prosecutor for the State.
2. By this Application, the Applicant/Appellant is seeking bail. There are two eye witnesses in this matter. One is

Shakuntala Satpute, P.W.1, the mother of the deceased, who claims that she saw Accused running after the incident. In paragraph 13 of her evidence, P.W.1, the mother of deceased, stated as under:-

“ Police had written my statement at I.G.M. Hospital. That time Namdeo Khandekar, Dipak and his friends were present at I.G.M. Hospital. At I.G.M. Hospital therefore was discussion in between me, Namdeo Khandekar, Dipak and his friends. During that discussion it was decided what statement should be given. Accordingly police recorded my statement.”

The incident took place at 6.30 p.m. However, the FIR came to be registered by the mother of the deceased being P.W.1 at about 9 p.m. It appears that there was a discussion between the mother of the deceased, Namdeo Khandekar, Dipak and his friends in which it was decided what statement should be given and thereafter the statement of the mother of the deceased i.e. P.W.1 was recorded. Strangely, the other eye witness Anita Nikam, who is the neighbour of the deceased,

actually witnessed the incident, but her statement was recorded on the next day morning instead of recording it on the same day. Over and above, the learned Counsel for the Applicant/Appellant points out that the Applicant was throughout on bail during trial.

3. Having regard to the above facts and circumstances of the case, we grant the bail to the Applicant/Appellant on the same terms and conditions that were imposed by the Trial Court. The Applicant/Appellant shall execute a fresh bail bond and furnish fresh sureties. The Applicant/Appellant shall report to the concerned Police Station on the first Monday of every month.
4. The Bail Application stands disposed of accordingly.

(DR.S. RADHAKRISHNAN, J.)

(SMT.ROSHAN DALVI, J.)